IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
SPECIAL CIVIL APPLICATION No 10378 of 1999
For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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D H RAJPUT

Versus

COMMANDANT

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Appearance: MR IS SUPEHIA for the Petitioner.
Ms. Harsha Devani, Assistant GOVERNMENT PLEADER,
for Respondents No. 1-3

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CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 10/01/2002

ORAL JUDGEMENT

The petitioner was serving as an Assistant Sub Inspector in the Police Department in S.R.P. Group No.7, Nadiad. By way of superannuation, he retired from service on 31.10.1999. In spite of the fact that even though he had retired since long, he has not been paid his retiral benefits, in the nature of pension, gratuity, etc. By way of filing this petition, it is prayed that the respondent No.1 may be directed to issue "No Event Certificate" so that by receiving the same, the petitioner can get the aforesaid benefit. It seems that the said certificate was not issued, presumably on the ground that a criminal case is pending against the petitioner. The FIR is annexed by the petitioner at Annexure `F'. In the said FIR, the name of the petitioner is not figuring as an accused.

Last time, it was submitted by Mr.Supehia that

even in the charge-sheet, name of the petitioner is not figuring as an accused. The matter was adjourned earlier in order to enable the AGP to get instructions whether the aforesaid fact is correct or not. Today, Ms.Devani, learned AGP, states that it has been ascertained by her from the concerned Officer, who is present in the Court, and that it is an admitted fact that the name of the petitioner is not figuring in the pending criminal case. She further states that in view of the aforesaid, No Event Certificate will be issued immediately and forthwith, without there being any delay. She further submitted that the retiral dues of the petitioner, in the nature of provident fund, gratuity, etc., also will be released at the earliest without any undue delay in this behalf.

In view of the aforesaid statement of the learned AGP, nothing further is required to be done in this matter.

Before parting with this matter, however, I am constrained to observe that even though there was no fault on the part of the petitioner, he was obliged to prefer this petition before the Court and was accordingly subjected to incurring expenditure. For no fault on the part of the petitioner, No Event Certificate was not issued in his favour and even though he had retired since long, his retiral dues are not paid. Under these circumstances, the payment of gratuity, pension, etc., to be paid to the petitioner as per the Rules, and the said amount to be paid to him with interest at the rate of 12% per annum. It is expected that, in future, before harassing a person by withholding his retiral dues, the Authority will apply its mind properly to the facts of the case and will not act in a routine, casual and lethargic manner, which is exhibited in the present case. If the amount, as stated, is not paid within the stipulated time, it will be open for the petitioner to file a simple Note for revival of this petition and even with a request to enhance the rate of interest for such payment.

Since the petitioner was compelled to file this petition, even though, in my view, there was no justifiable reason for the respondents to withhold the No Event Certificate, the respondents are directed to pay costs of Rs.5,000/- to the petitioner. The said costs to be paid within a period of two weeks from the date of receipt of the writ of this Court.

With these observations, the petition is disposed

of.  Rule is discharged with no order as to costs.

Direct service is permitted.

10th January, 2002 ( P.B. Majmudar, J. )

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(apj)